IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 7384 of 2007(D)

PETITIONER:

FR.ANTONY PATHIL, ST.THOMAS CHURCH,
MAVADY, IDUKKI.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI

RESPONDENTS:

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1. UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF COMMUNICATION, NEW DELHI.

2. BHARAT SANCHAR NIGAM LIMITED, SANCHAR BHAVAN, NEW DELHI, REPRESENTED BY ITS MANAGING DIRECTOR.

3. GENERAL MANAGER, BHARAT SANCHAR NIGAM LIMITED, TELECOM, ERNAKULAM.

4. DIVISISONAL ENGINEER, TELECOM BHARAT SANCHAR NIGAM LIMITED, NEDUMKANDAM.

BY ADV.SRI.K.KESAVANKUTTY, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.7384 OF 2007

Dated this the 6th day of March, 2007

JUDGMENT

The petitioner is a Priest. As the Vicar of the Church, he filed W.P(C).28211/05, seeking a direction to the BSNL to commence operation of land line telephone exchange in a building constructed in the property belonging to the Church on the allegation that the said building was constructed as requested by the BSNL and that the BSNL had paid rent for a few months. This Court dismissed that writ petition holding that in the realm of contracts even if the petitioner has any right to relief on an alleged breech of contract it is beyond the realm of the writ court. That judgment was dated 4.10.2005. Two persons, thereafter, filed W.P(C).1289/06. Learned counsel for the department submits that the first petitioner in that writ petition was appearing as a counsel for the petitioner in W.P(C). 28211/05. In W.P(C).1289/06, the request was for a direction to establish a telephone exchange at Mavady, as originally proposed. That writ petition ended in the judgment dated

30.1.2006, disposing it off. It obviously shows that it was nothing but the old wine in a new bottle and was not materially different from the objectives sought to be achieved by W.P(C). 28211/05. Now this writ petition is filed through yet another lawyer, obviously even without properly instructing him regarding the filing and results of the earlier writ petitions. In this writ petition directions are sought for to consider certain representations which are placed on record, voicing the selfsame request that led to the earlier writ petitions. Repeated scouting of the writ court is something that the Priest, the petitioner ought to have avoided since the office that he holds as a depository of trust and confidence among the common people requires into act much better. I am inclined to impose very heavy cost on the petitioner. Since the petitioner is a Vicar of the Church, I hold back myself from imposing any order of costs. The writ petition is dismissed.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.